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10/675,913	09/29/2003	Petros Belimpasakis	915-010.008	2083
4955 7590 08/29/2009 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,913

Applicant(s)

BELIMPASAKIS, PETROS

Examiner

UMAR CHEEMA

Art Unit

2444

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-17, 19-30, 33 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-17, 19-30, 33 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to the Amendment filed on 04/20/2009. Claims 1-2, 4-17, 19-30, 33, and 35 are pending in this action.

Response to Arguments

2. Applicant's arguments with respect to claim 1 has been considered but they are not persuasive. Applicant argues that Takagi et al. (US Patent No. 6,091,733) in view of Sturniolo et al. (US Patent No. 6,201,962) do not teach or suggest "establishing a further connection between a proxy module and a remote service of a network through a selected access point so as to establish a communication connection between the terminal device and the network for the application client", as recited in claim 1. Examiner disagree with Applicant's argument and further clarify that as noted in applicant's arguments such limitations are relied on Sturniolo abstract, col. 1, line 51-col. 2, line 20, figures 1-2 and details associated with figures, col. 2, line 65-col. 4, line 13. In general Sturniolo discloses the communication system of the present invention introduces a gateway controller (hereinafter referred to simply as a "gateway") connected to at least one network such as a LAN or WAN. Each gateway functions as an intermediary for communications between mobile terminals registered to an access point within a network or otherwise coupled to the network and one or more other devices. By serving as an intermediary, the actual network addresses of the mobile terminals become transparent to the devices with which the mobile terminals are communicating. As a result, even if a mobile terminal roams from one LAN to another

LAN and receives a new network address, communication between the mobile terminal and the other devices are not interrupted so as to provide for seamless roaming.

Further more, Referring now to FIG. 1, a communication system 20 is shown in accordance with the exemplary embodiment of the present invention. The communication system 20 includes a plurality of LANs (e.g., LAN1-LAN3) each coupled together via a network backbone 26. Each LAN1-LAN3 itself forms a communication network. The LANs are interconnected according to generally known network principles by way of a system backbone 24, and specifically in the present embodiment by a WAN system backbone 24. It shall be appreciated, however, that the system backbone 24 need not be wireless in nature but rather hardwired such as those achieved by connecting to an intranet or internet, for example, which could also serve as the system backbone 24. Each of the LANs (LAN1-LAN3) has generally the same configuration, hence only LAN1 will be described in detail. However, it will be appreciated that there may be variations in the respective LANs without departing from the scope of the invention. Referring initially to LAN1, the local area network comprises its own network backbone 26. The network backbone 26 may be a hardwired data communication path made of twisted pair cable, shielded coaxial cable or fiber optic cable, for example, or may be wireless in nature. Connected to the network backbone 26 are several access points 28, only one of which is shown (namely, access point AP1) for sake of illustration. Each access point 28 serves as a point through which wireless communications may occur with the network backbone 26. Additionally, in order to expand the effective communication range of the access points 28, one or more wireless access points (not

shown) also may be included in LAN1. Therefore, teaches or suggests at least concept of establishing a further connection between a proxy module and a remote service of a network through a selected access point so as to establish a communication connection between the terminal device and the network for the application client.

3. Applicant further argues that claim 1 is not concerned with selecting an access point of a remote network, wherein access point is located outside of the terminal device. With respect to Applicant's argument, Examiner has closely examine claim 1 and in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., access point is located outside of the terminal device) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Thus it is Examiner's position that 35 U.S.C 103(a) rejection to claims 1-2, 4-17, 19-30, 33 and 35 is proper.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 1-2, 4-17, 19-30, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al. (Takagi) (US Patent # 6,091,733) in view of Sturniolo et al (Sturniolo) (US 6,201,962).

2. Regarding claim 1, Takagi substantially discloses the invention as claimed a method comprising: establishing a local connection in a terminal device between an application client and a proxy module according to a local access profile associated with the application client; selecting an access point among a plurality of access points in the terminal device; and establishing a further connection between the proxy module and a remote server of a network through the selected access point so as to establish a communication connection between the terminal device and the network for the application client, wherein each access point connects with the network using a respective transport bearer (see abstract, col. 3, lines 50-65, figure 2 and details associated, see col. col. 4, lines 45-57, col. 9, lines 32-39, col. 1, lines 65-col. 2 line 29; transport data unit containing data as contained in the first transport layer protocol data unit and a second interface for outputting the second transport layer protocol data unit to a network).

3. Takagi substantially discloses the invention as claimed for the given reason above but does not explicitly disclose wherein said establishing a local connection between the proxy module and a remote server of a network through the selected

access point so as to establish a communication connection between the terminal device. However in the same field of invention Sturniolo discloses wherein said establishing local connection between the proxy module and a remote server of a network through the selected access point so as to establish a communication connection between the terminal device (see abstract, col. 1, line 51-col. 2, line 20, figures 1-2 and details associated, col. 2-line 65- col. 4, line 13).

4. It would have been obvious to one of the ordinary skill person in the art of networking to combine the teaching of Takagi and Sturniolo for a transport layer communication system. Motivation for doing so would have been that the system makes communication between multiple access points reliable and secure.

5. Regarding claim 2, Takagi discloses the method of claim 1, wherein the communication connection of terminal device and the network is via an air interface (see col. 3, lines 50-59, figure 2 (IF interface_500,510)).

6. Regarding claim 3, (Canceled).

7. Regarding claim 4, Takagi discloses the method of claim 3, wherein the local connection and the further connection are client-server based connections (see col. 8, lines 22-25; figures 9-10; communication between server terminal and client terminal).

8. Regarding claim 5, Takagi discloses the method of claim 1, wherein the proxy module provides at least one additional service for the application client or for the user of the device (see col. 6, lines 9-17).

9. Regarding claim 6, Takagi discloses the method of claim 5, wherein the provided additional service comprises selecting a network interface to be used in the case where more than one network interface is available (see col. 2, lines 5-15).
10. Regarding claim 7, Takagi discloses the method of claim 5, wherein the provided additional service comprises a service for selecting a bearer for crossing an air interface (see col. 3, lines 50-59, figure 2).
11. Regarding claim 8, Takagi discloses the method of claim 7, wherein the bearer operates in the protocol stack on a layer lower than a transport layer (see col. 6, lines 9-17).
12. Regarding claim 9, Takagi discloses the method of claim 6, wherein selecting the access point is performed based on information which comprises at least one of the following: network availability, user-defined rules, time, location, cost (see col. 6, lines 20-25; time period required for transmitting the segments).
13. Regarding claim 10, Takagi discloses the method of claim 5, wherein the provided additional service comprises providing a network interface not natively supported by an operating system of the device (see col. 1, lines 66-67, col. 2, lines 1-4).
14. Regarding claim 11, Takagi discloses the method of claim 5, wherein the provided additional service comprises providing support for multiple users (see col. 1, lines 38-40; server to clients).

15. Regarding claim 12, Takagi discloses the method of claim 11, wherein support for multiple users is implemented via a set of predefined user profiles (see col. 5, lines 63-67).

16. Regarding claim 13, Takagi discloses the method of claim 5, wherein the provided additional service comprises receiving information indicative of a change in a remote server address and modifying the remote server address at the terminal device by the proxy module, whereby no modification in the application client is needed (see col. 4, lines 45-57, col. 9, lines 32-50).

17. Regarding claim 14, Takagi discloses the method of claim 1, wherein the application client is an e-mail client, web browser or another end-user application (see col. 1, lines 10-16, figure 1).

18. Regarding claim 15, Takagi discloses the method of claim 1, wherein the transport layer is implemented by Transmission Control Protocol (see col. 4, lines 4-6, figure 3; TCP relay unit).

19. Regarding claim 16, Takagi substantially discloses the invention as claimed an apparatus, comprising: a plurality of access interfaces, each configured to connect the apparatus with a network using a respective transport bearer; a storage medium configured to store a plurality of application clients for use by the apparatus, and a proxy module, configured to establish a local connection between an application client and the proxy module according to a local access profile associated with the application client, select an access interface among the plurality of access interfaces in the apparatus, and establish a further connection between the proxy module and a remote server of a

network through the selected access point so as to establish a communication connection between the apparatus and the network for the application client (see abstract, col. 3, lines 50-65, figure 2 and details associated, see col. col. 4, lines 45-57, col. 9, lines 32-39, col. 1, lines 65-col. 2 line 29; transport data unit containing data as contained in the first transport layer protocol data unit and a second interface for outputting the second transport layer protocol data unit to a network).

20. Takagi substantially discloses the invention as claimed for the given reason above but does not explicitly disclose wherein said establishing a local connection between the proxy module and a remote server of a network through the selected access point so as to establish a communication connection between the terminal device. However in the same field of invention Sturniolo discloses wherein said establishing local connection between the proxy module and a remote server of a network through the selected access point so as to establish a communication connection between the terminal device (see abstract, col. 1, line 51-col. 2, line 20, figures 1-2 and details associated, col. 2-line 65- col. 4, line 13).

21. It would have been obvious to one of the ordinary skill person in the art of networking to combine the teaching of Takagi and Sturniolo for a transport layer communication system. Motivation for doing so would have been that the system makes communication between multiple access points reliable and secure.

22. Regarding claims 17-30, the limitations of this claim has already been addressed (see claims 2-15 above for detail rejection).

23. Regarding claims 31-32, (Canceled).

24. Regarding claim 33, Takagi substantially discloses the invention as claimed a computer program product comprising a computer readable storage medium storing program thereon for use by a communication device, wherein the program code comprises: instructions for establish a local connection in the communication device between an application client and a proxy module according to a local access profile associated with the application client, instructions for selecting an access point among a plurality of access points in the communication device, and instructions for establishing a further communication connection between the device proxy module and a remote server of a network using through the selected said-access point so as to establish a communication connection between the communication device and the network for the application client, wherein each access point connects with the network using a respective transport bearer (see abstract, col. 3, lines 50-65, figure 2 and details associated, see col. col. 4, lines 45-57, col. 9, lines 32-39, col. 1, lines 65-col. 2 line 29; transport data unit containing data as contained in the first transport layer protocol data unit and a second interface for outputting the second transport layer protocol data unit to a network).

25. Takagi substantially discloses the invention as claimed for the given reason above but does not explicitly disclose wherein said establishing a local connection between the proxy module and a remote server of a network through the selected access point so as to establish a communication connection between the terminal device. However in the same field of invention Sturniolo discloses wherein said establishing local connection between the proxy module and a remote server of a

network through the selected access point so as to establish a communication connection between the terminal device (see abstract, col. 1, line 51-col. 2, line 20, figures 1-2 and details associated, col. 2-line 65- col. 4, line 13).

26. It would have been obvious to one of the ordinary skill person in the art of networking to combine the teaching of Takagi and Sturniolo for a transport layer communication system. Motivation for doing so would have been that the system makes communication between multiple access points reliable and secure.

27. Regarding claim, 34 (Canceled).

28. Regarding claim 35, Takagi substantially discloses the invention as claimed an apparatus, comprising: a plurality of access means, each for connecting the apparatus with a network using a respective transport bearer; means for storing a plurality of application clients for use by the means for establishing a local connection with an application client according to a local access profile associated with the application client; means for selecting an access means among the plurality of access means in the apparatus, and means for establishing a further connection to a remote server of a network through the selected access means so as to establish a communication connection between the apparatus and the network for the application client (see abstract, col. 3, lines 50-65, figure 2 and details associated, see col. col. 4, lines 45-57, col. 9, lines 32-39, col. 1, lines 65-col. 2 line 29; transport data unit containing data as contained in the first transport layer protocol data unit and a second interface for outputting the second transport layer protocol data unit to a network).

29. Takagi substantially discloses the invention as claimed for the given reason above but does not explicitly disclose wherein said establishing a local connection between the proxy module and a remote server of a network through the selected access point so as to establish a communication connection between the terminal device. However in the same field of invention Sturniolo discloses wherein said establishing local connection between the proxy module and a remote server of a network through the selected access point so as to establish a communication connection between the terminal device (see abstract, col. 1, line 51-col. 2, line 20, figures 1-2 and details associated, col. 2-line 65- col. 4, line 13).

30. It would have been obvious to one of the ordinary skill person in the art of networking to combine the teaching of Takagi and Sturniolo for a transport layer communication system. Motivation for doing so would have been that the system makes communication between multiple access points reliable and secure.

31. **Examiner's Note:** Examiner has cited particular paragraphs, figures, columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-3037. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/U. C./
Examiner, Art Unit 2444
/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444